

V. Courtroom appearance

You will be going to court multiple times: at the detention hearing, at the trial, at sentencing if you are convicted. Your appearance is very important on your release, jury verdict, and any sentence you will receive if you are convicted. North Carolina is extremely conservative and all of the judges in the district are extremely conservative white people. Most of the jury pool is conservative white people. Trump won the state in 2016 and 2020 and the state voted every state black judge out of office in 2020.

I strongly recommend that you go to thrift stores and assemble the following outfit to wear to court: blue blazer or jacket, white collared shirt with a red or blue neck tie, gray slacks with a belt, dark socks and dark dress shoes. Do not show up wearing black jeans or gym pants, t-shirts or workout shirts, sneakers or athletic shoes, or a ballcap. No dark dress shirts, either as that looks like a gangster. Dressing appropriately tells the judge you have respect for him/her and the courtroom and thus, for the rule of law; that you take this seriously; and that you don't look like a drug dealer. If you do not have thrift stores in your area, just send me your sizes and I will assemble an outfit for you.

All of the courtrooms have strict requirements on entry. Everyone (including family) must have a valid photo ID (usually a drivers license). No pocket knives, cellphones, tablets, computers or liquids. No marijuana, pills, or cigarettes. They write down everyone who enters, along with their photo ID. Every bag, pocket, backpack goes through a scanner. So leave anything that is questionable in your car.



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments) DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien
Holder of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

NO. 7:20-cr-79-FL

JAMES III, BENNIE LEE corp. sole,	§	DISTRICT COURT
Db.a. BENNIE LEE JAMES III	§	
V.	§	
	§	CRAVEN COUNTY
UNITED STATES OF AMERICA	§	
	§	
	§	NEW BERN, NC

**PETITION FOR GREAT WRIT OF HABEAS CORPUS
AS PRESENTED BY AFFIDAVIT OF:**

Bennie Lee James III Bey dba BENNIE
LEE JAMES III,

STATE OF NORTH CAROLINA

CRAVEN COUNTY

I, Bennie Lee James III Bey dba BENNIE LEE JAMES III, am we the people, a follower of the Messiah in the laws of The Almighty Supreme Creator, and the General Laws of the land. [Leviticus 18:3-4]. Clearly states that I cannot walk in your statues, which is Special Law. [Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by my God Given Rights]. I have personal knowledge of the matters stated herein, and I have attained the age of majority.

I, Bennie Lee James III, IN GOOD FAITH do hereby and herein petition this court for the Great Writ of Habeas Corpus, as a matter of right, as declared In the North Carolina Constitution of 1868 Section 21. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in case of rebellion or invasion, the public safety may

PETITION FOR WRIT OF HABEAS CORPUS

Page 1 of 9



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in
strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

require its suspension. Since Bennie Lee James III Bey dba BENNIE LEE JAMES III is unlawfully deprived of his liberty by NEW HANOVER COUNTY Sheriff Edward J. McMahon upon the mere speculation of alleged felonies since May, 2018.

1) "The word 'applicant', as used in this chapter, refers to the person for whose relief the Writ is asked, though the petition may be signed and presented by any other person". "Either the party for whose relief the Writ is intended, or any person for him, may present a petition to the proper authority for the purpose of obtaining relief."

2) The Writ of Habeas Corpus shall be granted without delay by the judge or court receiving the Petition; furthermore in this case failure to take action within seventy-two hours will be quite appropriately deemed a DENIAL BY DERELICTION OF DUTY.

3) Let it be known that no presumption of guilt arises from the mere fact that a criminal accusation has been made before a competent authority.

4) Bennie Lee James III Bey dba BENNIE LEE JAMES III is entitled to the Writ of Habeas Corpus since there was not sufficient cause for requiring home incarceration instead of bail and/or the bail required is excessive in this case.

North Carolina Constitution of 1868, Declaration of Rights, (which protects my God Given Rights)

Section 14. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

5) In accordance with the laws of the land, the judge or court before whom a person is brought by Writ of Habeas Corpus shall examine the Writ and



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in
strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie James Estate d/b/a BENNIE LEE JAMES III©

the papers attached to it; and if no legal cause be shown for the imprisonment or restraint, or if it appear that the imprisonment or restraint though at first legal, cannot for any cause be lawfully prolonged, the victim shall be discharged.

IGNORANCE OF THE LAW IS NO EXCUSE

6) Habeas corpus is necessary to address the issues including but not limited to the following:

7) Bennie Lee James III Bey dba BENNIE LEE JAMES III has been DENIED DUE PROCESS OF LAW AND UNLAWFULLY HOME INCARCERATED considering there is no flight from justice that exist. A proper evaluation of the substantive evidence is in question.

8) CRAVEN COUNTY failed and neglected to obey My Unalienable Rights Protected by the North Carolina Constitution of 1868 Declaration of Rights, Section 15.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated, and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Take Notice That conspiracy to distribute and possess with the intent to distribute under color of law, were created with the arrest of Bennie Lee James III Bey. dba BENNIE LEE JAMES III whose obviously been DENIED DUE PROCESS OF LAW!! Once due process of law is denied, all jurisdiction ceases.

Take Further Notice That My God Given Rights have been violated since the right to speedy trial is far removed from this case.

PETITION FOR WRIT OF HABEAS CORPUS

Page 3 of 9



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in
strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie James Estate d/b/a BENNIE LEE JAMES III©

9) Bennie Lee James III Bey dba BENNIE LEE JAMES III attorney Helen Celeste Smith performance is deficient. Failure to receive documents including discovery in it's entirety. North Carolina Constitution of 1868 Declaration of Rights, Section 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accuser and witnesses with other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself, or to pay cost, jail fees, or necessary witness fees of the defense, unless found guilty. Failure to file motions in a adequate time frame. Ethical violation involving racist speech. And I quote Helen C.T Smith, Section 5. Courtroom appearance "NORTH CAROLINA IS EXTREMELY CONSERVATIVE AND ALL JUDGES IN THE DISTRICT ARE EXTREMELY "CONSERVATIVE WHITE PEOPLE". TRUMP WON THE STATE IN 2016 AND 2020 AND THE STATE VOTED EVERY "BLACK" JUDGE OUT OF OFFICE IN 2020". Helen C.T Smith said to wear red, white and blue attire. "No dark shirts, either as that looks like a gangster". Helen C.T Smith said that "wearing black jeans, t-shirt, sneakers or a ball cap" "looks like a gangster". For these reasons I request to withdraw attorney Helen C.T Smith from case no. 7:20-cr-79-FL and removal to another federal district court.

IGNORANCE OF THE LAW IS NO EXCUSE

PETITION FOR WRIT OF HABEAS CORPUS

Page 4 of 9



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments) DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien
Holder of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

9) "If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are merely organized to convict."

Robert H. Jackson, United States Prosecutor at Nuremberg

10) "An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself." Thomas Paine

12) CONSIDER WITH EXTREME CAUTION THE WORDS OF OUR CREATOR SINCE THERE IS NO ESCAPE WHATSOEVER FROM HIS LAW AND JUDGMENT:

13) ["When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn." Proverbs 29:2]

14) ["Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?" Psalm 94:20]

15) ["And said to the judges, Take heed what ye do: for ye judge not for man, but for the Creator who is with you in the judgment. Wherefore now let the fear of the Creator be upon you, take heed and do it: for there is no iniquity with the Creator our Eloheim, nor respect of persons, nor taking of gifts." II Chronicles 19:6 & 7].

CONCLUSION

PETITION FOR WRIT OF HABEAS CORPUS

Page 5 of 8



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments) DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien
Holder of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

16) Bennie Lee James III Bey dba BENNIE LEE JAMES III is not a danger to himself nor to the society at large and any further restraint of liberty would be a crime against the people of this state and a dire threat to their freedom. Withdraw attorney Helen C.T Smith from case no. 7:20-cr-79-FL and removal to another federal district court.

17) This is the first application for a Writ of Habeas Corpus and no application for a Writ of Habeas Corpus has previously been made on behalf of Bennie Lee James III Bey dba BENNIE LEE JAMES III, in relation to this case.

18) [Exodus 21:16 MANSTEALING EVENT and the punishment is DEATH!!!] Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of the Harvard Law School on February 28, 2003 "The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature dictated by God himself is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority from this original.

19) **Take Further Notice That My Unalienable Rights Protected by the North Carolina Constitution of 1868, Declaration of Rights, "Section 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety**

RELIEF AND REMEDY DEMANDED

20) Wherefore, your petitioner demands that a Writ of Habeas Corpus be granted instanter and issued to inquire into the restraint upon the liberty of Bennie Lee James III Bey dba BENNIE LEE JAMES III, the Writ being directed to the said (Louise W. Flanagan, District Judge in New Bern, N.C) Edward J. McMahon, NEW HANOVER COUNTY

PETITION FOR WRIT OF HABEAS CORPUS

Page 6 of 8



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in
strict subordination to the civil power.

**Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©**

Sheriff, commanding him to bring any and all evidence and documentation before the Court at the time and place therein to be specified.

21) Sanctions for any party responsible for unnecessary delay in hearing this matter and furthermore, time and costs related to this action.

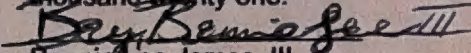
22) Upon my restraint, I went through various aspects of your system, therefore seal all records pertaining to/or in reference to fingerprints, photographs, and information sheets and/or data storage to expunge the record of this travesty, and 100 dollars U.S. per fingerprint card, photograph, or information sheet, per party, per day until ALL are returned.

23) I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined.

Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever,

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this the second day of the twelfth month in the year of our Creator two thousand twenty one.


Bennie Lee James III

EX PARTE
JAMES III, BENNIE LEE
V

UNITED STATES OF
AMERICA;

NEW HANOVER COUNTY
SHERIFF Edward J.
McMahon

PETITION FOR WRIT OF HABEAS CORPUS

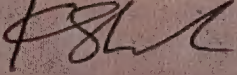
NO. 7:20-cr-79-FL
DISTRICT COURT

CRAVEN COUNTY

NEW BERN, NC

Page 7 of 8

KUNAL SHAH
Notary Public - State of New York
No. 01SH6229894
Qualified in Nassau, Bronx Counties
My Commission Expires Oct. 25, 2022

 12/2/2021



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 21. The military shall in all cases and at all times be in
strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

ORDER GRANTING WRIT OF HABEAS CORPUS

Upon reading the petition filed by Bennie Lee James III on behalf of Bennie Lee James III Bey dba BENNIE LEE JAMES III, duly signed and verified by Bennie Lee James III, whereby it appears that the said Bennie Lee James III Bey dba BENNIE LEE JAMES III is illegally and unlawfully restrained of his liberty by (Louise W. Flanagan, District Judge New Bern, N.C) Edward J. McMahon, NEW HANOVER COUNTY Sheriff, and stating wherein the alleged illegality and unlawfulness exists, from which it appears that a Writ of Habeas Corpus ought to issue;

IT IS THEREFORE ORDERED that a Writ of Habeas Corpus be issued by the county clerk under seal of the NEW BERN ;NEW HANOVER COUNTY Court in North Carolina, directed to the said (Louise W. Flanagan District Judge New Bern, N.C) Edward J. McMahon, NEW HANOVER COUNTY Sheriff, as stated above, commanding him to have the body of Bennie Lee James III Bey dba BENNIE LEE JAMES III before the NEW HANOVER COUNTY Criminal Court, on the _____ day of December, 2021, at _____ o'clock ____ M, of that day, to do and receive what shall then and there be considered concerning the said Bennie Lee James III Bey dba BENNIE LEE JAMES III and have proper return, according to law, endorsed upon the writ.
SIGNED this ____ day of December, 2021.

JUDGE PRESIDING

EX PARTE
JAMES III, BENNIE LEE

V

UNITED STATES OF AMERICA;

NEW HANOVER SHERIFF
Edward J. McMahon

PETITION FOR WRIT OF HABEAS CORPUS

§
§
§
§
§
§
§

NO. 7:20-cr-79-FL
DISTRICT COURT

CRAVEN COUNTY

NEW BERN, NC

Page 8 of 9



NORTH CAROLINA CONSTITUTION OF 1868 (as ratified without subsequent amendments)
DECLARATION OF RIGHTS Section 24. The military shall in all cases and at all times be in
strict subordination to the civil power.

Notice of Appearance: Bennie Lee James III Bey Beneficial Owner 1st Lien Holder
of James III, Bennie Lee Estate d/b/a BENNIE LEE JAMES III©

WRIT OF HABEAS CORPUS

To Louise W. Flanagan, District Judge; Edward J McMahon , NEW HANOVER
Sheriff, Greetings:

You are commanded to have the body of Bennie Lee James III Bey dba
BENNIE LEE JAMES III, alleged to be restrained by you, by whatsoever
name the said Bennie Lee James III Bey dba BENNIE LEE JAMES III
shall be called or charged, before the NEW BERN ;NEW HANOVER
Criminal Court, at the courthouse in said county on the _____ day of
December, 2021, at _____ o'clock ____ M., and state in writing under oath the
truth or not that the said Bennie Lee James III Bey dba BENNIE LEE
JAMES III is restrained of liberty by you and what authority or for what
cause he is restrained on the return of the writ hereof and attach a copy of
the writ or warrant, if any, by virtue of which you hold him in ; And hereof you
are not to fail under the heavy penalties denounced by law against those
who disobey this Writ and to submit to and receive all those things which
shall then and there be considered concerning the said Bennie Lee James III
Bey dba BENNIE LEE JAMES III.

Witness, _____, clerk of the NEW BERN; NEW HANOVER
COUNTY Court, and the seal thereof hereto affixed at NEW BERN, NORTH
CAROLINA, this _____ day of December, 2021. (seal) _____

_____NEW BERN;NEW HANOVER

Clerk by _____Deputy

PETITION FOR WRIT OF HABEAS CORPUS

Page 9 of 9